



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,236	10/09/2003	Wolfgang Meyer-Ingold	P24007	6515
7055 7590 08/20/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER ALSTRUM ACEVEDO, JAMES HENRY	
			ART UNIT 1616	PAPER NUMBER
			NOTIFICATION DATE 08/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/681,236

Applicant(s)

MEYER-INGOLD ET AL.

Examiner

James H. Alstrum-Acevedo

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67, 98-112 and 114-133 is/are pending in the application.
- 4a) Of the above claim(s) 45-46, 55, and 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44, 47-54, 56-66, 98-112, and 114-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-67, 98-112, and 114-133 are pending. Applicants previously cancelled claims 68-97. Applicants have newly cancelled claim 113. Claim 133 is new. Claims 45-46, 55, and 67 are withdrawn from consideration as being drawn to a non-elected species. **Claims 1-44, 47-54, 56-66, 98-112, and 114-133 are under consideration in the instant office action.** Receipt and consideration of Applicants' amended claim set, evidence submitted under 37 CFR 1.130, 1.131, or 1.132, and remarks/arguments, submitted on May 31, 2007 are acknowledged.

Moot Rejections/objections

All rejections and/or objections of claims 113 cited in the previous office action mailed on March 23, 2007 **are moot**, because said claim has been cancelled.

Drawings

The objection to the drawings and request for the submission of new corrected drawings **is withdrawn**, per Applicants' clarification of what is depicted in Figures 2 through 4 (see remarks, pg. 28).

Specification

The objection to the specification for the improper use of the trademarks AVICEL[®] ([00116]), METHOCEL[®] ([0119]), CARBOPOL[®] ([0132] and [0134]), ARISTOFLEX[®] ([0138]), SIMUGEL[®] ([0139]) **is maintained**, because Applicants' have failed to correctly rewrite these trademarks in all capital letters as required. It is noted that Applicants have

Art Unit: 1616

correctly amended the specification to recite the trademarks LEVAGEL® and DESMODUR® in the appropriate manner.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants have stated that not all the cited trademarks could be found in the instant application. This is found unpersuasive, because the location of the trademarks was clearly articulated in the office action mailed on March 23, 2007. The objection to the specification is maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 1616

The provisional rejection of claims -25, 40, 43-44, 47-54, 58, 60-62, 66, and 98-102 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-4, 8-13, 16-17, 20-21, 23-29, 45, 55-56, 60-63, 65, 67-71, 73-86, and 99-103 of copending application 10/681,204 (copending '204) **is maintained** for the reasons of record set forth on page 5 of the office action mailed on July 27, 2006.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants' have requested that the instant rejection be held in abeyance. No substantive arguments were presented traversing this rejection. The rejection is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

The rejection of claims 4, 7-10, 13-14, 16-17, 19, 47, 107, and 109-112 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention **is withdrawn** per Applicants' claim amendments removing indefinite terminology from said claims.

Response to Arguments

Applicant's arguments, see page 30, filed May 31, 2007, with respect to the rejection of claims 4, 7-10, 13-14, 16-17, 19, 47, 107, and 109-112 under 35 U.S.C. 112, second paragraph,

Art Unit: 1616

as being indefinite have been fully considered and are persuasive. The rejection of claims 4, 7-10, 13-14, 16-17, 19, 47, 107, and 109-112 under 35 U.S.C. 112, second paragraph, as being indefinite has been withdrawn.

The rejection of claims 59, 65, 98-100, and 127-130 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention **is maintained** for the reasons of record.

Response to Arguments

Applicant's arguments filed May 31, 2007, regarding the rejection of claims 59, 65, 98-102, and 127-130 under 35 U.S.C. 112, second paragraph have been fully considered but they are not persuasive. Applicants' have traversed the above rejection by arguing that (1) the use of the term "substantially transparent" is allegedly conventional and for this reason claim 59 is allegedly definite; (2) the amendment to claims 98-100 and 127-128 stating that the discoloration is noticeable to the naked eye allegedly makes said claims definite; and (3) Applicants allege that "JIS 2801:2000" is an international standard readily recognized and understood by a person of ordinary skill in the art as allegedly evidenced by its presence on three online websites.

The Examiner respectfully disagrees. The mere fact that others may have used the term "substantially transparent" does not demonstrate that said term has a definite meaning that would be clearly understood by a person of ordinary skill in the art. The term "substantially transparent" is not defined in the specification and is indefinite. Amendment of claims 98-100 and 127-128 does not make these claims definite, because what is "noticeable to the naked eye"

Art Unit: 1616

is clearly dependent upon the viewer's visual acuity and is inherently variable from one viewer to another. A person of ordinary skill in the art who has poor vision and requires visual aids, such as prescription glasses, may not be able to discern discoloration that could be noticeable to a person with 20/20 vision. Thus, claims 98-100 and 127-128 remain indefinite. The meaning of "JIS 2801:2000" is unknown to the instant Examiner and does not appear to refer to any standard U.S. bacterial assay. The term "JIS 2801:2000" is neither defined nor described in the instant specification. Applicants' submission of hard copies from three internet websites where the term "JIS 2801:2000" is used and or stated as being an international standard is not found persuasive, because it does not demonstrate that a person of ordinary skill art at the time of the instant invention in the United States would clearly recognize the meaning of "JIS 2801:2000." Thus, claims 101-102 and 129-130 remain indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The rejection of claims 1-12, 19, 25-39, 41, 48-54, 56-62, 64-66 and 101-102 under 35 U.S.C. 103(a) as being unpatentable over Ganster (U.S. Patent No. 6,191,216; "Ganster") in view of Gilchrist (U.S. Patent No. 5,470,585; "Gilchrist") **is maintained** for the reasons of record set forth on pages 11-14 of the office action mailed on July 24, 2006 and on pages 9-11 of the office action mailed on March 23, 2007.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants' traversal of the instant rejection is based on their allegation that inappropriate hindsight reconstruction was used to make the combination of Ganster and Gilchrist. The Examiner respectfully disagrees.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

Art Unit: 1616

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Contrary to Applicants' opinion, the prior art does reasonably provide a motivation to combine the cited references. Applicants are directed to Ganster's teaching that the polyurethanes may contain additives, such as inorganic fillers, including titanium oxide (i.e. TiO₂) or zinc oxide together with glass fibers of 0.1-1 mm in length (col. 3, lines 44-54). Ganster specifically states that the invented polyurethanes are particularly suitable for medical products that come into contact with human and animal tissues, including open wounds, body fluids, or secretions (e.g. wound exudates). The use of the polyurethanes in medical application is preferred, in particular as rapid wound dressings, sticking wound care products, to absorb blood and wound secretions, and to provide padding and thermal insulation (col. 4, lines 45-60). It would have been obvious to combine Gilchrist with Ganster, because Gilchrist teaches antimicrobial medicinal glasses that may be in the form of a powder, granules, or woven into a dressing, as part of wound management products (abstract, col. 3, lines 43-49). Furthermore, an ordinary skilled artisan would have been motivated to combine Gilchrist's antimicrobial glasses with Ganster's polyurethane materials to obtain a product that is capable of treating and/or preventing bacterial infection, which would promote wound healing and prevent other medical problems. It is also noted that Gilchrist teaches that the antimicrobial glass may be used as filler in polymers for surface release (e.g. in silicones, natural rubber, and medical plastics and polymers). Ganster's invented polyurethanes are obviously medical

Art Unit: 1616

plastics, per Ganster's teachings. For the aforementioned reasons and the reasons of record, an ordinary skilled artisan would have had a reasonable expectation of success upon modification of Ganster's polyurethanes to utilize Gilchrist's anti-microbial inorganic glasses as filler and that the instant rejection remains proper. Regarding the claimed properties of the polyurethane and/or antimicrobial glass, it is the Examiner's position that these properties are present in the product resulting from the combined prior art teachings, because the combined prior art would yield an article comprising the same ingredients (i.e. polyurethane and antimicrobial glass). Regarding the claimed thickness, thickness is a parameter that an ordinary skilled artisan would routinely optimize. It is incumbent upon Applicants to demonstrate the criticality of the claimed thicknesses. Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because the combined teachings of the prior art is fairly suggestive of the claimed invention.

The rejection of claims 23-24, 103, 106-126, and 129-130 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, and further in view of Park et al. (US 2004/0018227), as applied to claims 1-12, 19, 25-39, 41, 48-54, 56-62, 64-66 and 101-102 above, and further in view of Park et al. (US 2004/0018227) **is maintained** for the reasons of record set forth on pages 14-17 of the office action mailed on July 24, 2006 and on pages 11-12 of the office action mailed on March 23, 2007.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants' traversal of the instant rejection is based on (1) the allegation that

Art Unit: 1616

inappropriate hindsight reconstruction was used to make the combination of Ganster and Gilchrist; (2) the humectants cited in the previous office action would not be suitable as superabsorbers, and specifically that the humectants taught by Park, which Applicants have admitted in the specification as being examples of superabsorbers, would not necessarily have the same properties due to differences in molecular weight and/or cross-linking; and (3) superabsorber is a term of art, as evidence by its presence in more than 3,000 hits in a search of the US patent database, and thus it is allegedly inappropriate for the Examiner to provide the term "superabsorber" with a reasonable and broad interpretation.

The Examiner respectfully disagrees with Applicants' traversal arguments. The rebuttal of Applicants' arguments specific to the combination of Ganster and Gilchrist are incorporated herein by reference. It is also noted that the term "superabsorber" is not defined in the specification. Therefore, a reasonable broad interpretation of said term would be any material capable of absorbing anything, because the term is not redefined in the specification to limit it to the absorption of liquids. Applicants argument that the term "superabsorber" appears in 3,000 + hits when searched for in the US patent database does not demonstrate that it is consistently defined in the art in such a manner to show that the instant interpretation of said term is inappropriate. Therefore, the humectants specifically cited by the Examiner in the office action mailed on July 24, 2006 as well as other polymeric humectants taught by Park would reasonably read on the term superabsorber and the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because the combined teachings of the prior art is fairly suggestive of the claimed invention.

The rejection of claims 23-24, 103-104, 106-126, and 129-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, claims 1-12, 19, 25-39, 41, 48-54, 56-62, 64-66 and 101-102 above, and in further view of Bowditch (EP 0196364 A2) is maintained for the reasons of record set forth on pages 13-16 of the office action mailed on March 23, 2007.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants' traversal of the instant rejection is based on (1) the allegation that inappropriate hindsight reconstruction was used to make the combination of Ganster and Gilchrist; (2) there is allegedly no motivation to combine Bowditch with the teachings of Ganster/Gilchrist and (3) Applicants have implied that the polyurethanes taught by Bowditch would allegedly be unsuitable for use with Ganster's polyurethanes or in medical products taught by Ganster.

The Examiner respectfully disagrees with Applicants' traversal arguments. The rebuttal of Applicants' arguments specific to the combination of Ganster and Gilchrist are incorporated herein by reference. Applicants have noted that most of the polyurethanes taught by Ganster are made conventionally whereas those taught by Bowditch were foamed with blowing agents. Applicants have provided no evidence as to why Bowditch's foamed polyurethanes would be unsuitable for use with the polyurethanes/medical products taught by Ganster. It is also noted that Ganster does teach foamed polyurethanes, as conceded by Applicants on page 37 of the remarks. Regarding argument (2), the motivation to combine Bowditch was clearly articulated

Art Unit: 1616

on page 15 of the office action mailed on March 23, 2007 as being the fact that Ganster teaches materials/products functioning as wound dressings/bandages that absorb blood and wound secretions and this desired absorption property would be provided by Bowditch's polyurethane products. There is nothing in Ganster or Bowditch that would suggest that foamed polyurethanes are unsuitable for use in wound dressings or bandages. Thus, the instant rejection remains proper.

The rejection of claims 131-132 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, and in further view of Bowditch (EP 0196364 A2) **is withdrawn** per Applicants' claim amendments requiring that the polyurethane resin is unfoamed.

Response to Arguments

Applicant's arguments, see page 30, filed May 31, 2007, with respect to the rejection of claims 131-132 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, and in further view of Bowditch (EP 0196364 A2) have been fully considered and are persuasive. The rejection of claims 131-132 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, and in further view of Bowditch (EP 0196364 A2) has been withdrawn.

The rejection of claims 23-24 and 103-132 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, as applied to claims 1-12, 19, 25-39, 41, 48-54, 56-62, 64-66 and 101-102 above, and in further view of Blank et al. (U.S. Patent No. 5,079,004) **is**

Art Unit: 1616

maintained for the reasons of record set forth on pages 13-16 of the office action mailed on March 23, 2007. New claim 133 is appended to this rejection for the reasons of record.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. Applicants' traversal of the instant rejection is based on (1) the allegation that inappropriate hindsight reconstruction was used to make the combination of Ganster and Gilchrist; (2) there is allegedly no motivation to combine Blank with the teachings of Ganster/Gilchrist because Blank does not expressly teach the incorporation of an antimicrobial coating onto or in a polyurethane resin or medical products made therefrom; and (3) Applicants have also alleged that there is no reason or motivation to add an additional antimicrobial component to the product resulting from the combination of Ganster and Gilchrist.

The Examiner respectfully disagrees with Applicants' traversal arguments. The rebuttal of Applicants' arguments specific to the combination of Ganster and Gilchrist are incorporated herein by reference. Applicants' argument (2) is unpersuasive, because it is essentially arguing that because Blank does not anticipate the cited claims there is no reason to combine its teachings with those of Ganster and Gilchrist. Furthermore, the motivation to combine the teachings of Blank flows from the fact that Ganster teaches materials/products functioning as wound dressings/bandages that absorb blood and wound secretions and common sense would clearly suggest that the incorporation of antimicrobial components capable of preventing or minimizing the infection of wounds is an obvious motivation. Regarding argument (3), It is generally considered *prima facie* obvious to combine two compounds or compositions each of

Art Unit: 1616

which is taught by the prior art to be useful for the same purpose, in order to form a composition, which is to be used for the very same purpose. The idea for combining them flows logically from their having been used individually in the prior art. See *In re Kerkhoven*, 626, F.2d 848, 205 USPQ 1069 (CCPA 1980). Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because the combined teachings of the prior art is fairly suggestive of the claimed invention.

The rejections of (1) claims 14 and 17 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist as applied to claims 1-12, 19, 25-39, 41, 48-54, 56-62, 64-66 and 101-102 above, and further in view of Kydonieus (U. S. Patent No. 5,591,820; "Kydonieus"); (2) claim 17 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist and further in view of Daoud et al. (U.S. Patent No. 4,920,172); (3) claims 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, Daoud et al., and further in view of Park; (4) claims 13, 15-16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist, Park and further in view of Kydonieus; (5) claims 40, 52-44, 51-53, and 63 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist and further in view of Fechner (US 2004/0137075; "Fechner"); (6) claims 98-100 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist as applied to claims above, and further in view of Nomura (US 2001/0023156; "Nomura"); and (7) claims 20-22 under 35 U.S.C. 103(a) as being unpatentable over Ganster in view of Gilchrist and Nomura as applied to claims above, and further in view of Lee (US 2002/0086039; "Lee") **are maintained** for the reasons of record set forth in the office actions mailed on July 24, 2006 and/or March 23, 2007.

Response to Arguments

Applicant's arguments filed May 31, 2007 have been fully considered but they are not persuasive. No specific arguments traversing the above rejections based upon the combination of Ganster with other secondary references. Applicants have merely restated their arguments in traverse of the Ganster/Gilchrist combination rejection. The rebuttal of Applicants' arguments specific to the combination of Ganster and Gilchrist are incorporated herein by reference. Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because the combined teachings of the prior art is fairly suggestive of the claimed invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered relevant because these teach wound coverings or dressing comprising polymers, such as polyurethanes, often with antibacterials agents incorporated therein: Kuroyanage et al. (U.S. Patent No. 5,584,801), which teaches a polyurethane film or laminate on an absorptive cloth; Fabo (U.S. Patent No. 5,540,922), which teaches an absorbent wound dressing; Bootman et al. (U.S. Patent No. 5,833,665) and Bootman et al. (U.S. Patent No. 6,596,293), which teach a polyurethane-biopolymer composite that can be used in a wound dressing; and Hain (U.S. Patent No. 6,881,766), which teaches sutures and coating made from therapeutic absorbable glass as well as various polymers.

Claims 1-44, 47-54, 56-66, 98-112, and 114-133 are rejected. The specification remains objected. No claims are allowed.

Art Unit: 1616

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Alstrum-Acevedo whose telephone number is (571) 272-5548. The examiner can normally be reached on M-F, 9:00-6:30, with every other Friday off.

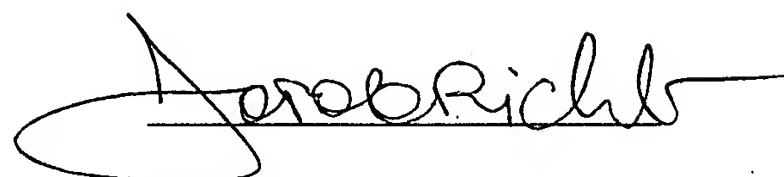
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571) 272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1616

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Alstrum-Acevedo
Patent Examiner
Technology Center 1600

A handwritten signature in black ink, appearing to read "Johann R. Richter", with a large, stylized loop at the beginning.

Johann R. Richter
Supervisory Patent Examiner
Technology Center 1600